

10-28-02

1642

P#9

Express Mail No.: EL 451 598 703 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

OCT 30 2002

TECH CENTER 1600/2900



Application of: SINN et al.

Serial No.: 09/640,838

Group Art Unit: 1642

Filed: August 16, 2000

Examiner: HUFF, S.

For: CONJUGATE CONSISTING OF AN
ACTIVE SUBSTANCE AND A NON-
EXOGENOUS NATIVE PROTEIN

Attorney Docket No.: 8484-084-999

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1. Enclosures accompanying this Supplemental Information Disclosure Statement are:
 - 1a. ☒ Supplemental Form PTO-1449.
 - 1b. ☒ Copies of publications.
 - 1c. ☐ An English language copy of search report(s) from a counterpart foreign application or PCT International Search Report.
 - 1d. ☐ Explanations of relevancy (ATTACHMENT 1(d), hereto) or English language abstracts of the non-English language publications.
2. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b) before the latter of three months after the U.S. patent application filing date or the first Office Action on the merits. Accordingly, no fee or certification is required.
3. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the first Office Action on the merits, but before a Final Office Action or a Notice of Allowance.

(Check either Item 3a or 3b)

3a. ☐ The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.

3b. ☐ The \$240.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:
☐ enclosed
☐ to be charged to Pennie & Edmonds LLP Deposit Account No. 11-1650.

(Item 3b to be checked if any reference known for more than 3 months)

4. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after Final Office Action or Notice of Allowance, but before payment of Issue Fee.

A Petition to the Commissioner is hereby made under 37 C.F.R. §1.97(d) to request consideration of this Information Disclosure Statement. The \$130.00 fee set forth in 37 C.F.R. §1.17(i)(1) is:

☐ enclosed.
☐ to be charged to Pennie & Edmonds LLP Deposit Account No. 11-1650.

The Certification Statement in Item 5 below is applicable.

5. ☐ Certification Statement *(applicable if Item 3a or Item 4 is checked)*

(Check either Item 5a or 5b)

5a. ☐ In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

5b. ☐ In accordance with 37 C.F.R. §1.97(e)(2), it is certified that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known by any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

6. ☐ This application was filed on August 16, 2000 and is a continuation application under 37 C.F.R. §1.53(b) of application Serial No. 08/817,185.

(Check appropriate Items 6a, 6b and/or 6c)

6a. ☐ A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.


6b. ☐ Copies of the publications listed on Form PTO-1449 from prior application Serial No. __, filed on __, of which this application claims priority under 35 U.S.C. §120, have been omitted pursuant to 37 C.F.R. §1.98(d).

6c. ☐ Copies of the publications listed on Form PTO-1449 which were not previously cited in prior application Serial No. __, filed on __, of which this application claims priority under 35 U.S.C. §120, are provided herewith.

7. ☒ This is a Supplemental Information Disclosure Statement. (*Check either Item 7a or 7b*)
- 7a. ☒ This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on November 2, 2000. A bona fide attempt was made to comply with 37 C.F.R. §1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, it is requested that this Supplemental Information Disclosure Statement be considered as if properly filed on November 2, 2000.
- 7b. ☐ This Supplemental Information Disclosure Statement is timely filed within one (1) month of a PTO Notice under 37 C.F.R. §1.97(i).
8. ☐ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:
- (*Check Item 8a, 8b, or 8c*)
- 8a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
- 8b. ☐ set forth in the application.
- 8c. ☐ enclosed as an attachment hereto.
9. ☒ The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Pennie & Edmonds LLP Deposit Account No. 11-1650 (order no. 8484-084-999).
10. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

Respectfully submitted,

Date October 24, 2002



Birgit Millauer
For: Laura A. Coruzzi
PENNIE & EDMONDS LLP
1155 Avenue of Americas
New York NY 10036-2720
(650) 493-4935

43,341
(Reg. No.)
30,742

SUPPLEMENTAL LIST OF REFERENCES CITED BY APPLICANT <i>(Use several sheets if necessary)</i>					ATTY. DOCKET NO.		APPLICATION NO.	
					8484-084-999		09/640,838	
					APPLICANT			
					Sinn et al.			
					FILING DATE		GROUP	
					August 16, 2000		1642	

U.S. PATENT DOCUMENTS							
EXAMINER'S INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
AA	4,456,691	June 1984	Stark				

FOREIGN PATENT DOCUMENTS							
DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION		
					YES	NO	

OTHER REFERENCES <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>		
AB	Fujiwara, K., et al., "Development of Enzyme Immunoassay for Chromomycin A ₃ and Olivomycin Using β -D-Galactosidase as a Label", Cancer Res. (1985) 45:5442-5446 (Nagasaki Univ. Pharmaceutical Sciences, Japan).	
AC	Basu, S.K., "Receptor-Mediated Endocytosis of Macromolecular Conjugates in Selective Drug Delivery," Biochem. Pharma. (1990) 40(9):1941-1946 (0006-2952/90).	

EXAMINER	DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

RECEIVED
 OCT 30 2002
 TECH CENTER 1600/2900